

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Case No.: 12-cr-00798

TRIAL SETTING ORDER

vs.

MICHAEL SINGLETARY,

Defendant

Having considered the filings to date and the arguments made at the Trial Setting Conference on April 18, 2013 and for good cause shown the Court sets a TRIAL DATE and related orders as follows:

1. **Trial Date and Schedule:** The trial of this matter is scheduled to begin on Tuesday, May 28, 2013 beginning at 8:30 a.m. in Courtroom 5 of the above-referenced Court. Counsel shall arrive in Court early enough to proceed on the record by 8:30 a.m. Trial schedule will be generally as follows, Monday through Thursday, from 8:30 a.m. to 1:30 p.m. with two fifteen minute breaks. Trial is estimated to last three (3) court days. Trial may continue on Friday subject to the availability of the Court. Prosecution anticipates five (5) witnesses. Defense anticipates no witnesses.

Additional time may be scheduled for matters outside the presence of the jury as necessary and determined by the Court. Side bars are not permitted. Counsel should be prepared to anticipate issues so that they may be addressed outside of normal trial hours.

1 2. **Pre-trial Conference:** A pre-trial conference shall be held on May 17, 2013 at 9:30
2 a.m. The parties shall comply with Local Rule 17.1-1(b) and file a pretrial conference statement not
3 less than seven (7) days prior to the pretrial conference addressing all fifteen (**15**) issues identified
4 therein. The parties shall also meet and confer on jury instructions and provide the Court with both
5 with one set of jury instructions, identifying whether each such instruction is joint or separately
6 offered.

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8 3. **Motions in Limine:** Not less than fourteen (14) days prior to the pretrial conference,
9 the parties shall serve, **but not file**, motions in limine. Not less than ten (10) days prior to the pretrial
10 conference, the parties shall serve any oppositions thereto. The parties shall then meet and confer to
11 resolve the motions. Any motions not resolved shall be filed not less than seven (7) days prior to the
12 pretrial conference.

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14 The parties shall submit a JOINT CHAMBERS set including both the motion and the
15 respective opposition. Each proponent of any motion shall also submit one comprehensive proposed
16 form of order summarizing each motion and the requested relief.

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18 4. **Witnesses:** The Court hereby orders that witnesses shall be excluded until testimony
19 is completed. Parties are ordered to admonish witnesses of the Court's rulings. Failure to comply
20 with a ruling by the Court may result in sanctions, including without limitation, the striking of the
21 witness's entire testimony.

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23 5. **Exhibits and Exhibit Lists:** No witness may be shown any document or other object
24 until it has been marked for identification using an exhibit number.

25 The jury may not be shown any exhibits until admitted into evidence or stipulated by the
26 parties as to admissibility without the express permission of the Court. To the extent agreed upon, the
27 parties shall file Exhibit Lists identifying those for which a stipulation of admissibility exists with an
28 "S" in the appropriate box.

1 In conjunction with the Pre-Trial Conference Statement, the parties shall deliver to Chambers
2 one set of marked exhibits for the Court's use during the conference.

3 6. **Equipment:** Projectors, screens and similar equipment must be tested in the courtroom
4 prior to the day when it will be used. Arrangements may be made with the Courtroom Deputy,
5 Frances Stone, at (510) 637-3540 as to appropriate time for doing so. Marshals require court order to
6 allow equipment. Any party needing such an order must file a request and proposed order.

7 7. **Objections:** There shall be no "speaking objections," and no response unless
8 requested by the Court, in which case it shall be brief – e.g., "hearsay" and if a response requested,
9 "Not offered for the truth." If either counsel needs to make a better record, he/she may do so when
10 the jury is out at the next break.


11 8. **Requests for Transcripts:** If transcripts will be requested during or immediately after
12 the trial, arrangements must be made with the Court Reporter Coordinator (Telephone No. 510-637-
13 3534) **at least** one week prior to the commencement of the trial.

14 9. **Trial Decorum and Procedure:** Counsel, parties and witnesses are expected to
15 conduct themselves at all times – on or off the record and whether or not in the presence of a jury – in
16 a professional and courteous manner during trial. Do NOT approach witnesses without permission.

17 10. **Failure to Comply:** Failure to comply with the obligations set forth in this order will
18 result in sanctions appropriate to the gravity of the failure, including, but not limited to monetary fines
19 and/or terminating sanctions.

20 **IT IS SO ORDERED.**

21 Date: April 19, 2013

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HON. YVONNE GONZALEZ ROGERS
United States District Judge